

### **REMARKS**

The outstanding Office Action dated September 22, 2003 has been thoroughly reviewed. The specification has been amended to correct informalities noted in the Office Action. Fig. 1 of the drawings has been replaced to correct an informality noted in the Action as well. Claims 1-46 were previously cancelled.

#### *Allowable Claims*

Applicants wishes to thank the Examiner for the allowance of claims 57 and 58.

#### *Objections To The Specification & Drawings*

The specification and drawings were objected to for the reasons noted on page 2 of the Action. Applicants have amended the specification and Fig. 1 of the drawings to address the informalities (Replacement Sheet 1, replacing Fig. 1 is enclosed). Accordingly, withdrawal of the objects is now respectfully requested.

#### *Double Patenting Rejection*

Claims 47-56 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 12, 15 and 25 of U.S. patent no. 6,632,553 (the parent disclosure of the subject application). Both the subject application and the parent patent are co-owned by the MTI Microfuel Cells, Inc. (assignment recorded at reel no. 011811 and frames 0124-0127. While not acknowledging the merits of this rejection, Applicants have attached to the current response a Terminal Disclaimer to address the rejection and included the corresponding fee. Accordingly, the owner of the subject application agrees that any patent

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Accordingly, Applicants respectfully request that this rejection be withdrawn and the subject application be allowed.

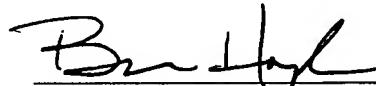
### CONCLUSION

In view of the foregoing remarks, Applicants submit that all the issues raised in the outstanding Action have all been addressed. Accordingly, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No fee is currently due for the present response, save for the fee for extending the time for response and the Terminal Disclaimer fee. However, in the event that it is determined that additional fees are due, the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 50-0311 (ref. No. 21535-006 CON), Customer No. 35437.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 935-3000. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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